

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 34

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

AUG 29 2001

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHARLES B. SIMONE

Appeal No. 1998-2434
Application 08/605,628

ORDER REMANDING TO THE EXAMINER

Before STONER, Chief Administrative Patent Judge, HARKCOM,
Vice Chief Administrative Patent Judge, and WILLIAM F. SMITH,
Administrative Patent Judge.

PER CURIAM

On consideration of the record, we note that the appeal includes a rejection under 35 U.S.C. § 101 involving the statutory nature of computer-related claims. We further note that the evaluation of such claims could possibly be affected

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by State Street Bank & Trust Co. v. Signature Financial Group,
149 F.3d 1368, 47 USPQ2d 1596 (Fed. Cir. 1998), cert. denied,
119 S. Ct. 851 (1999) and AT&T Corp. v. Excel Communications,
Inc., 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir.), cert. denied,
120 S. Ct. 368 (1999). Thus, we hereby remand this application
for reconsideration in view of the recent decisions by the Court
of Appeals for the Federal Circuit cited above and for any other
action that the examiner deems appropriate.

REMANDED

BRUCE H. STONER, JR.
Chief Administrative Patent Judge

GARY V. HARKCOM
Vice Chief Administrative Patent Judge

WILLIAM F. SMITH
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

BHS : psb

Appeal No. 1998-2434
Application 08/605,628

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SERIAL NUMBER <u>08/605628</u>	U.S. DEPARTMENT OF COMMERCE PATENT OFFICE	DATE OF MEMORANDUM <u>8-29-01</u>
APPLICATION FILING DATE <u>2-22-96</u>		APPEAL NUMBER <u>1998-2434</u>
FORM PTO-262 (5-95)		
EXAMINER'S DISPOSITION OF APPEAL		
To: Clerk, Board of Appeals	From: Group Art Unit _____	
GROUP: Please detach and forward to Board of Appeals promptly, but ONLY if the appeal is suspended or no longer pending.		
<p>The Examiner has:</p> <p><input checked="" type="checkbox"/> 1. Withdrawn the final rejection and</p> <p><input type="checkbox"/> a. allowed all the claims</p> <p><input checked="" type="checkbox"/> b. made a new rejection and reopened the prosecution</p> <p><input type="checkbox"/> c. other</p> <p><input type="checkbox"/> 2. Maintained the final rejection, but has</p> <p><input type="checkbox"/> a. instituted an interference which cannot proceed concurrently with the appeal (Note M.P.E.P. 1205)</p> <p><input type="checkbox"/> b. other</p> <p><input type="checkbox"/> 3. The application is now abandoned.</p> <p>_____ (Date signed)</p> <p><u><i>Gayle Thomas</i></u> (Signed)</p>		